

### REMARKS/ARGUMENTS

Favorable reconsideration of the application as currently amended and in view of the following remarks, is respectfully requested. Claims 1-20 are currently pending in the application. Claims 1, 7-9, 15 and 16 have been amended to remove the means-plus-function language and to overcome the outstanding rejections. Support for the amendments can be found at least in Figure 3. No new matter has been added.

By way of background, Claims 1-4, 9-11, 14-17 and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shaffer et al. (U.S. Patent 6,094,681, hereinafter “Shaffer”). Claims 5-8, 12, 13 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Conley, Jr. et al. (U.S. Patent 6,434,745, hereinafter “Conley Jr.”). Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Cappie (U.S. Pub. 2002/0038308).

In a decision by the Board of Appeals and Interferences mailed on June 20, 2008 the Board instituted a new ground of rejection of Claims 1-6 and 17-20 under 35 U.S.C. § 112(2) as being indefinite. In view of the holding of indefiniteness of Claims 1-6 and 17-20, the Board (page 6) reversed the Examiner’s rejection of Claims 1-6 and 17-20, over applied references, *pro forma*. In addition, the Board affirmed the rejection of Claims 7-16.

In response, Claim 1 has been amended to overcome the indefiniteness rejection made by the Board of Appeals. In addition, each of the other independent claims, i.e., Claims 7-9, 15 and 16 have been amended to include the specific details of the weighting of information.

Turning first the rejection of Claims 1-4, 9-11, 14-17 and 19 under 35 U.S.C. § 102(e) as being anticipated by Shaffer, Applicants note that Shaffer is directed to a method and system for automatically providing remote notification of an ongoing event that includes detecting the event by receiving presently occurring data and analyzing the content of this

presently occurring data by using a data filter on a computer. It is well established that while the PTO is authorized to give claim language its broadest reasonable interpretation, this does not mean that the PTO can completely ignore claim language, which has occurred by ignoring the term “past” as it appears in at least Claim 1. Accordingly, if the current claims are not allowed in response to this amendment, it is specifically requested that an explanation be provided as to how the language in Claim 1 “an acquisition device configured to acquire said associated information using existing information corresponding to a past event” can be met on a presently occurring event being detected by Shaffer’s data filter 16; see column 2, line 17-23 of Shaffer. In this regard, past events are of no interest to Shaffer. As explained in Shaffer (column 2, lines 43-49), updates, not past occurrences are of concern in terms of providing timely notification of a present event detected by the data filter; see column 4, lines 14-20 of Shaffer.

Anticipation of the subject matter of Claim 1 by Shaffer requires a disclosure in Shaffer of all of subject matter of Claim 1 including the “an acquisition device configured to acquire said associated information using existing information corresponding to a past event,” as well as all of the language regarding past events found in Claim 1. Shaffer teaches acquiring information using existing information corresponding to a currently occurring event. This cannot be said to teach the above mentioned limitation (at least not by giving the word “past” any reasonable interpretation). With respect to the language in amended Claim 1 that “an event occurring detection device configured to detect information corresponding to the occurrence of said present event,” the reliance on a transmitter that transmits an event notification message described at column 2, lines 23-37 of Shaffer is not understood. It is unclear as to how a transmitter detects anything regarding a past event, as Shaffer only detects and transmits notification of present events. The distinction between past and present events would be clear to an artisan reading Applicants’ specification.

Moreover, Claim 1 requires a separate “a search device configured to search said existing information corresponding to a past event having similarity to information corresponding to the present event detected by the event occurrence detection device.” Column 2, lines 39-59 and data filter 16 of Shaffer is relied upon for the claimed search device. However, the searching performed by data filter 16 is a search for data indicating that a present event has occurred. There is no searching for anything that could reasonably be said to represent “existing information corresponding to a past event having similarity to information corresponding to the present event detected by the event occurrence detection device” as now claimed

From all of the above, it is clear that Shaffer fails to distinguish between present and past events, and does not anticipate Claim 1 as currently amended. Accordingly, Applicants request withdrawal of the rejection of Claim 1, as well as Claims 2-4, 17 and 19 which depend from Claim 1. In addition, Applicants note that independent Claim 9 has been amended to include the specific details of the weighting performed on the text file. The specific weighting limitations, now recited in Claim 9 as amended, are not found in the applied references. Accordingly, Claim 9, as well as dependent Claims 10, 11 and 14 is believed to be allowable as amended.

Turning to independent Claims 15 and 16, these claims have been amended in the same fashion as Claim 9 and are believed to be allowable for the same reasons.

Turning next to the rejection of Claims 5-8, 12, 13 and 20 under 35 U.S.C. § 103 as being unpatentable over Schaffer in view of Conley Jr., Applicants note at the outset that Claims 5 and 6 depend from Claim 1 and should be allowable for the same reasons as Claim 1 because there is nothing in the record to indicate that Conley, Jr. makes up for the basic deficiencies of Shaffer. In addition, the language added to Claim 9 has also been added to independent Claims 7 and 8. These claims are believed to be allowable for the same reasons

as Claim 9. With respect to Claims 12 and 13, these claims depend from Claim 9 and should be allowable for the same reasons as Claim 9. In addition, Claim 20 also depends from Claim 1 and should be allowable for the same reasons as Claim 1, as discussed above.

Turning next to the rejection of Claim 18 under 35 U.S.C. § 103 as being unpatentable over Shaffer in view of Cappie, Applicants note that Claim 18 depends from Claim 1. Applicants believe that Claim 18 is allowable for the same reasons as Claim 1 as discussed above.

From all of the above, it is believed that in view of the amendments to the claims, that all of the outstanding rejections have been overcome and that Claims 1-20 are now in condition for allowance. An early indication to the effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Stuart S. Levy  
Registration No. 61,474